

c) REMARKS

The claims are 44-48 and 51-54 with claims 44, 53 and 54 being independent. Support for the amended claims 44 and 53 is found on page 6, lines 8 and 9. Support for new claim 54 is found, inter alia, on page 5, line 26 to page 6, line 9.

Claims 44-48 and 52 were provisionally rejected as an obviousness-type double patenting over claim 2 of Application No. 09/478,884 in view of Katz '770 and Kubo '515. Claims 51 and 53 were also rejected over claim 2 of Application No. 09/478,884 in view of Katz '770 and either Kubo and Ozin or Malik.

Claim 2 of the '884 Application does not recite a polyimide with a sequence of two or more adjacent methylene groups in a repeating unit where the sequence is in a main chain (or a side chain). Claim 2 also fails to recite a polyimide which is oriented. Claim 2 merely recites the presence of a polymer in the first portion. Applicants have distinguished a polymer with methylene groups from a polymer without methylene groups. The results of Comparative Example 1 compared to Examples 1 and 3 show that where a polymer compound has no methylene groups in the repeating unit (polyimide C) (page 28), then the resulting mesochannel was curved at the end portion (page 29, lines 24-27). Such a polyimide has lower orienting ability, thereby forming a structure with less regularity.

The Examiner has noted that the claims should be amended to recite the orientation of the polyimide in order to rely on the above-noted arguments. This has now been done. The present claims are more than a mere colorable variation of claim 2 of the '884 Application based upon their recitation of the polymer with methylene groups and the

orientation of the polymer as well as the showing of the Examples and the Comparative Example.

Accordingly, the present claims are distinct from claim 2 of the '884 Application.

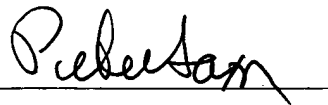
Claims 44-48, 51 and 52 were rejected as obvious over Ozin '666 in view of Katz '770 and Kubo '515. Claim 53 was deemed obvious over Ozin '666 in view of Katz '770 and Malik '772. The grounds of rejection are respectfully traversed.

The Examiner agreed to withdraw the art rejections once the orientation of the polymer was added to the claims. This has now been done. The arguments distinguishing the applied references in the last-filed response on pages 6 and 7 are also incorporated herein.

The claims should be allowed and the case passed to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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